

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ISRAEL GUTIERREZ #246141,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:07-CV-601-WKW
	)	[WO]
	)	
MONTGOMERY COUNTY DETENTION )	)	
CENTER, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

This case is before the court on a 42 U.S.C. § 1983 complaint filed by Israel Gutierrez ["Gutierrez"], a state inmate, in which he challenges the medical treatment provided to him during his confinement in the Montgomery County Detention Center. At the time he filed this complaint, Gutierrez did not pay the \$350.00 filing fee nor did he submit an affidavit in support of a motion for leave to proceed *in forma pauperis*. Thus, the court did not have the information necessary to determine whether Gutierrez should be allowed to proceed *in forma pauperis* in this case and therefore entered an order requiring that Gutierrez provide the court with such information. *Order of June 29, 2007 - Court Doc. No. 4* at 1-2. The court specifically cautioned Gutierrez that his failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* at 2. Gutierrez has filed nothing in response to the June 29, 2007 order. The court therefore concludes that this case is due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for Gutierrez's failure to provide the court with necessary information in compliance with the orders of this court. It is further

ORDERED that on or before August 6, 2007 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); *Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982); *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*) (adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981).

Done this 25th day of July, 2007.

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Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE